

**REMARKS**

In accordance with the foregoing, claims 6, 18, 20, 23, and 31 have been amended and new claims 36-38 are added. Claims 2-11 and 13-38 are pending and under consideration.

Rejection of Claims 2-5, 8, 13-17, 26-30 and 33 Under 35 USC § 103(a)

The Office Action rejects claims 2-5, 8, 13-17, 26-30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over JP 11-317065 to Kin in view of U. S. Patent No. 6,147,824 issued to Srikrishna et al. (hereinafter referred to as "Srikrishna"). This rejection is respectfully traversed.

Kin and Srikrishna, taken separately or in combination, do not disclose, teach, or suggest at least, "wherein the air guide plate comprises an end portion having a wedge shape that is inclined in a direction in which the air flow above the disk proceeds to move the air flow above the disk up along the air guide plate," and "wherein the air guide plate is installed above and at least partially overtop of the disk," as recited in independent claims 2, 8, and 13.

Similarly, Kin and Srikrishna, taken separately or in combination do not disclose, teach, or suggest at least, "an end portion of the air guide plate having a wedge shape that is inclined in a direction of the air flow to move the air flow above the disk up along the air guide plate, reducing a perturbation portion of the turbulence above the air guide plate, wherein the air guide plate is installed above at least partially overtop of the disk," as recited in claim 26.

As indicated on page 2, item 3, the Office Action notes, "Kin fails to disclose a wedge-shaped end portion." Accordingly, the Office Action asserts that Srikrishna discloses an air guide plate having end portion having a wedge shape as shown by fins 66 in Figure 4 of Srikrishna.

However, Srikrishna's fins 66 are located to the side of the disk as shown in Figures 1, 3, and 4 of Srikrishna. As indicated in col. 2, lines 35-39, Srikrishna discloses, "the shroud includes one or more fins which cantilevering outwardly towards the housing side walls. The fins increase the surface area of the shroud to enhance thermal transfer between the shroud and the fluid which flows through the fluid passageway." This feature is discussed in greater detail in col. 4, line 60 through col. 5, line 10 of Srikrishna.

In contrast, the air guide plate of the present invention divides turbulence. Srikrishna does not disclose, teach, or suggest that fins 66 can be used in an air guide plate to divide turbulence. As indicated above, the fins 66 are positioned to the side of the disk as shown in Figures 1, 3, and 4 of Srikrishna to enhance thermal transfer. The fins 66 are not used to divide turbulence and they are positioned in an entirely different location than Kin's clamping member

250. (The Office Action asserts that clamping member 250 teaches the air guide plate recited in claims 2, 8, 13, and 26.)

Accordingly, one having ordinary skill in the art would not have been motivated to apply fins 66 of Srikrishna to Kin's clamping member 250. Therefore, for at least these reasons, claims 2, 8, 13, and 26 are patentably distinguishable over the cited references.

Claims 3-5 depend from claim 2 and include all of the features of claim 2. Therefore, for at least these reasons, claims 3-5 are also patentably distinguishable from the cited references.

Claims 14-17 and 33 depend from claim 13 and include all of the features of claim 13. Therefore, for at least these reasons, claims 14-17 and 33 are also patentably distinguishable from the cited references.

Claims 27-30 depend from claim 26 and include all of the features of claim 26. Therefore, for at least these reasons, claims 27-30 are also patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 6, 9-11, 18, 19, 21, 23, 24, 31 and 35 Under 35 USC § 103(a)

The Office Action rejects claims 6, 9-11, 18, 19, 21, 23, 24, 31 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Kin in view of Srikrishna, and further in view of U.S. Patent No. 6,948,176 issued to Cho et al. (hereinafter referred to as "Cho"). This rejection is respectfully traversed.

The statute 35 U.S.C. §103(c) (1) states, "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

U.S. Patent 6,948,176 issued to Cho, was assigned to Samsung Electronics Co., Ltd., and has a U.S. Patent and Trademark Office filing date of December 3, 2002. Cho was published on July 10, 2003. The present application is also assigned to Samsung Electronics Co., Ltd and has a U.S. Patent Application filing date of July 3, 2003. Therefore, Cho qualifies as prior art under 35 U.S.C. §102(e).

Applicant respectfully submits that Cho and the claimed invention were, at the time the

claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Because Cho is not prior art, withdrawal of this rejection is respectfully requested.

Rejection of Claims 7, 22, 25, and 32 Under 35 USC § 103(a)

The Office Action rejects claims 7, 22, 25, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Kin in view of Srikrishna and Cho, and further in view of Barlow et al., ("Low-Speed Wind Tunnel Testing", as cited on Applicant's form PTO-1449 dated July 3, 2003). This rejection is respectfully traversed.

The statute 35 U.S.C. §103(c) (1) states, "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

U.S. Patent 6,948,176 issued to Cho, was assigned to Samsung Electronics Co., Ltd., and has a U.S. Patent and Trademark Office filing date of December 3, 2002. Cho was published on July 10, 2003. The present application is also assigned to Samsung Electronics Co., Ltd and has a U.S. Patent Application filing date of July 3, 2003. Therefore, Cho qualifies as prior art under 35 U.S.C. §102(e).

Applicant respectfully submits that Cho and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Because Cho is not prior art, withdrawal of this rejection is respectfully requested.

Rejection of Claims 20 and 34 Under 35 USC § 103(a)

The Office Action rejects claims 20 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Kin in view of Cho. This rejection is respectfully traversed.

The statute 35 U.S.C. §103(c) (1) states, "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person

or subject to an obligation of assignment to the same person."

U.S. Patent 6,948,176 issued to Cho, was assigned to Samsung Electronics Co., Ltd., and has a U.S. Patent and Trademark Office filing date of December 3, 2002. Cho was published on July 10, 2003. The present application is also assigned to Samsung Electronics Co., Ltd and has a U.S. Patent Application filing date of July 3, 2003. Therefore, Cho qualifies as prior art under 35 U.S.C. §102(e).

Applicant respectfully submits that Cho and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Because Cho is not prior art, withdrawal of this rejection is respectfully requested.

#### Summary

Claims 2-11 and 13-38 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

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By:

Paul F. Daebeler

Paul F. Daebeler

Registration No. 35,852

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501